

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services – PR&RD Dept. – Sri M.Obul Reddy, former Executive Officer, Madakalavaripalli Gram Panchayat, Cuddapah Dist. (Retd) – Misappropriation (5) Gram Panchayat funds as Special Officer – Disciplinary Proceedings initiated – O.A.No.2548/11 and 5205/12 filed – Judgment pronounced – Set aside the charges – Further action dropped under Rule 9(2)(b)(ii) of APRP Rules, 1980 and realising the pensionary benefits with interest @ 6% per annum besides recovery of misappropriated amount under Rule 9(7) of APRP Rules, 1980 – Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.IV) DEPARTMENT

G.O.RT.No. 9

Dated 02.01.2015

Read the following:

1. From the Commissioner, PR&RE, Hyderabad Lr. No. 21643/CPR&RE/B3/2002, dt. 2.5.2003
2. G.O.Rt.No.1161 & 1162 PR&RD (Vig.III) Dept., dated 21.8.2006.
3. Hon'ble APAT orders dated 2.4.2009 in O.A. No.3090 of 2006 with VMA No.177 of 2007.
4. Govt. Memo 44811/Vig.III/2003, dt. 13.5.2009.
5. From the CPR&RE, Hyderabad Lr. No.21643/CPR&RE/B3/2009, dt.2.11.2011.
6. G.O.Ms.No. 366 PR&RD (Vig.III) Dept., dated 18.11.2011
7. G.O.Rt.No.1720 PR&RD (Vig.III) Dept., dt. 18.11.2011
8. Orders of Hon'ble APAT dated 12.11.2013 in O.A. No. 2548/2011 and O.A.No.5205/2012.

O R D E R:

In the ref. 1st read above, the Commissioner, PR&RE, Hyderabad has brought the notice of the Government that Sri M.Obul Reddy, who worked as Special Officer of 5 Gram Panchayats i.e., 1) Itugulapadu, 2) Muneelli, 3) Reddikottala, 4) Katheragandla, 5) Sankavaram of B.Kodur Mandal, Kadapa District has misappropriation of Government Funds to a tune of Rs.22,19,901/- by drawing cheques etc. and the District Panchayat Officer, Kadapa has directed the individual to produce all the records of Gram Panchayat on the drawals made by him. But the individual has not given any response to the District Panchayat Officer Proceedings dated 18.11.2011 and the District Panchayat Officer, Kadapa have framed Articles of Charges against Sri M.Obul Reddy, Executive Officer who was kept in FAC of the post of Executive Officer (Panchayats) Porumilla, Gram Panchayat, Kadapa District before retirement of the individual and the individual has submitted his written defence of statement requesting to drop further action against him. The Commissioner, PR&RE, Hyderabad has requested the Government to take necessary further action against Sri M.Obul Reddy, who worked as Special Officer of (5) Gram Panchayats of B.Kodur Mandal, Kadapa District and has requested the Government to take necessary further action against him as per rule 9 of A.P.Revised Pension Rules, 1980 since the individual retired from service on 31.12.2001.

2. In the ref. 2nd read above, orders were issued appointing the Dy. Chief Executive Officer, Zilla Praja Parishad, Kadapa as Inquiry Authority and the Mandal Parishad Development Officer, B.Kodur Mandal, Kadapa as Presenting Officer to inquire into the charges framed against Sri M.Obul Reddy, Ex. E.O. (Retd.), Madakalavaripally Gram Panchayat, Kadapa dist., under Sub-Rule(2) of Rule 20 of A.P.C.S. (CCA) Rules, 1991. The Inquiry Officer in his enquiry report held that the Charges leveled against Sri M.Obul Reddy, Ex.E.O. (Rettd.) are partially proved.

[P.T.O.]

3. In the reference 3rd read above, Sri M.Obul Reddy, has filed O.A.No.3090/06 before the Hon'ble APAT challenging the Charge Memo Dated 14.12.2001 of the District Panchayat Officer, Kadapa and the orders issued by the Government in G.O.Rt.No.1161, PR&RD (Vig.III) Dept., dated 21.8.2006 and the Hon'ble APAT has pronounced judgment dated 2.4.2009 in O.A3090/2006 and the operative portion are as follows:

"the impugned proceedings are invalid and are set aside. But, this order will not prevent the respondents to take necessary action in accordance with the rules. The O.A. is accordingly allowed and the VMA is dismissed."

4. In the reference 4th read above, Government have requested the Commissioner, PR&RE to furnish the draft Article Of Charges in the prescribed proforma to Government and the Commissioner, PR &RE in his letter dated 2.11.2011 has furnished the draft Article Of Charges etc, against Sri M.Obul Reddy, Ex. E.O. (Retd.), Madakalavaripally Gram Panchayat, Kadapa dist.

5. In the reference 6th read above Government have accorded sanction to initiate disciplinary proceedings in the reference 7th read above and framed the following charges against Sri M.Obul Reddy, who worked as Special Officer of 5 Gram Panchayats B.Kodur Mandal, Kadapa District under Rule 20 of A.P.C.S. (CCA) Rules, 1991.

CHARGE

That Sri M.Obul Reddy Executive Officer (Gram Panchayat), Retd., Gram Panchayat Madakalavaripalli, Gopavartam Mandal of Kadapa district has incurred following expenditure irregularly.

1. An amount of Rs.32,000/- was drawn in V.No.3, dt.10.09.2000 towards the electrical material. But the sanction proceedings and work order was not taken. The voucher (contingent bill) was not signed by the drawing officer.
2. An amount of Rs.20,000/- (10000+10000/-) was booked towards the work bill, without recording the above works in M.Book and railed to produce the same before the enquiry officer.
3. In Itukkalapadu Gram Panchayat the expenditure of 6,69,460/- was booked towards the work bill, without recording the above works in M.Book and failed to produce the same before the enquiry officer.
4. An amount of Rs.7,272/- was drawn from Gram Panchayat General funds of Munnelli Gram Panchayat and entered in cash book for the purpose of the PWS motor repairs in Munnelli Gram Panchayat. The connected M.Book No.9895-A was not produced.
5. An amount of Rs.4000/- + 5000/- + 4000/- + 4000/- + 4000/- = total for Rs.21,000/- was drawn from the Gram Panchayat General Funds of the Itukkalapadu Gram Panchayat, Munnelli Gram Reddikottala, Katteragandla Gram Panchayat and Sankavaram Gram Panchayat respectively for the purpose of purchase of sanitation material bleaching powder and lime powder without sanction order.

6. Aggrieved by the above orders, the Accused Officer Sri M.Obul Reddy, Executive Officer. (Pts) (Retd.), Gram Panchayat Madakalavaripalli, Kadapa District has filed O.A.Nos.2548/2011 and 5205/2012 and requested to suspend the operative portion of the charge Memos. In the reference 8th read above, the Hon'ble A.P.A.T. has pronounced judgment dated 12.11.2013 in O.A. Nos.2548/2011 and 5205/2012 and the operation portion are as follows:

....a fresh charge memo was issued by the respondents in the year 2011 i.e., beyond the period of four years from the date of retirement of the applicant. The charge memo now issued is squarely hit by the provision of A.P. Revised Pension Rules 1980. Hence the respondent cannot proceed with the enquiry against the applicant. They are bound to release the pensionary benefits of the applicant".

"The Charge Memo issued in G.O.Rt.No.1720, PR&RD Deptt., dt.18.11.2011 and also the sanction order issued through G.O.Ms.No.366, PR&RD Deptt., dt.19.11.2011 are set aside. The respondents are directed to release the pensionary benefits of the applicant with interest at the rate of 6% per annum from the date the pension is due to him. As the applicant retired from service in the year 2001 itself".

7. Government after careful examination of the matter and advise of the advisory departments, have decided to comply the orders of the Hon'ble APAT and to drop further action against Sri M.Obul Reddy, Executive Officer (Pts) (Retd.), Gram Panchayat Madakalavaripalli, Kadapa District since the Charged officer was retired from service on the attaining the age of superannuation on 31.12.2001 and due to afflux of time limit of four years from retirement, it is not possible to frame charges as per the Rule 9(2)(b)(ii) of AP Revised Pension rules, 1980 and releasing the pensionary benefits with interest @ 6% per annum from the date of pension due to him, besides recovery of the misappropriated amount of Rs.22,19,901/- from his pensionary bebefits under Rule 9(7) of APRP Rules, 1980. Accordinlgy, Government hereby drop further action against Sri M.Obul Reddy, Executive Officer (Pts) (Retd.), Gram Panchayat, Madakalavaripalli, Kadapa District as per the Rule 9(2)(b)(ii) of A.P.R.P. Rules, 1980 accord release to the penesisionary benefits with interest @ 6% per annum from the date of pension due to him besides recovery of misappropriated amount of Rs.22.19,901/- from him under Rule 9 (7) of A.P.Revised Pension Rules, 1980.

8. The Commissioner of Panchayat Raj & Rural Employment, A.P., Hyderabad shall take further necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR.K.S.JAWAHAR REDDY
SECRETARY TO GOVERNMENT (PR)

To:

The Commissioner of Panchayat Raj & Rural Employment, A.P.Hyderabad.
The individual through the Commissioner, PR&RE, A.P., Hyderabad.

Copy to:

The Secretary to Vigilance Commissioner, A.P.Vigilance Commission,
Secretariat Buildings, Hyderabad.
The P.S. to the Hon'ble M (PR&RWS)
The P.S. to the Secretary to Govt. (PR)
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER